

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No.: 3:13-CV-00613
)	
\$11,000 UNITED STATES CURRENCY,)	Judge Campbell
\$19,000 UNITED STATES CURRENCY and)	Magistrate Judge Griffin
\$7,000 UNITED STATES CURRENCY,)	
)	
Defendants.)	
)	
ANTHONY POWELL,)	
Claimant to \$7,000 United States Currency)	

**DEFAULT JUDGMENT AGAINST ANTHONY POWELL
AS TO \$11,000 UNITED STATES CURRENCY
AND \$19,000 UNITED STATES CURRENCY**

Plaintiff, United States of America, has moved, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure for a Default Judgment against Anthony Powell as to \$11,000 United States Currency and \$19,000 United States Currency in the above-captioned matter.

On June 21, 2013, a Verified Complaint *In Rem* was filed by the United States of America against \$11,000 United States currency and \$19,000 United States currency alleging that it is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), because it constitutes moneys, furnished or intended to be furnished by any person in exchange for a controlled substance in violation of 21 U.S.C. §§ 841 and 846, or proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of 21 U.S.C. § 841 or 21 U.S.C. § 846.

Pursuant to the Summons and Warrant for Arrest *In Rem* issued by the Clerk of this Court on June 21, 2013, the United States Marshal Service executed the warrant against or seized the \$11,000 United States currency and \$19,000 United States currency on July 8, 2013.

Beginning on July 2, 2013 and ending on July 31, 2013, the United States published for thirty consecutive days on an official government internet website at www.forfeiture.gov, notice of this civil asset forfeiture action against the \$11,000 United States currency and \$19,000 United States currency pursuant to Rule G(4)(a)(iii)(B) of the Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Supplemental Rules.

A copy of the Verified Complaint *In Rem*, Affidavit and Notice of Judicial Forfeiture was duly served upon Anthony Powell in the following manner:

- a. on June 25, 2013 at 1020 Lischey Avenue, Nashville, Tennessee 37207, by certified mail, return receipt requested, and first class mail; and
- b. on June 25, 2013 through Paul J. Walwyn, at Walwyn & Walwyn, 1994 Gallatin Pike, North, Suite 305, P.O. Box 1277, Madison, Tennessee 37116, by certified mail, return receipt requested, and first class mail.

Pursuant to Rules G(5)(a)(ii)(A) and G(4)(b) potential claimants receiving direct notice must file a claim within the time stated within the direct notice of the forfeiture, i.e., thirty-five days after June 25, 2013.

Anthony Powell filed a claim to \$7,000 United States currency on July 30, 2013 and an Answer on August 21, 2013, but he did not claim an interest in \$11,000 United States currency or \$19,000 United States currency.

On October 7, 2013, Default Judgment as to Antonio Powell, Kerry Haynes and all persons and entities, except Anthony Powell, who may have an interest in the \$11,000 United States currency, \$19,000 United States currency, and \$7,000 United States Currency was entered.

Pursuant to Rule G(5)(a)(ii)(B) all other persons must file a claim "no later than 60 days after the first day of publication on an official internet government forfeiture site."

The time for filing a valid claim and answer in this action has lapsed.

The United States filed its application to the Clerk for entry of default and said default was entered by the Clerk on October 28, 2013 against Anthony Powell as to \$11,000 United States currency and \$19,000 United States currency.

Anthony Powell is not in the military service of the United States, within the meaning of the War and National Defense Service Members Civil Relief Act, 50 App. U.S.C. § 521.

The Motion of the United States for Default Judgment against Anthony Powell as to \$11,000 United States currency and \$19,000 United States currency is hereby GRANTED. Therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. A Judgment by Default is hereby entered against Anthony Powell with respect to any interest he may have in \$11,000 United States currency and \$19,000 United States currency.

SO ORDERED this ____ day of _____, 2013.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE